

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Derek Campbell et al.

Serial No. 10/700,043

Filed: November 4, 2003

For: Golf Bag Base

Atty. Docket 005127.00179
No.:

Examiner Tri M. Mai

Group Art 3781

Unit:

Confirmation No. 3120

PETITION TO REVIVE UNDER 37 C.F.R. § 1.137(b)

U.S. Patent and Trademark Office
Customer Service Window, Mail Stop Petition
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Sir:

Pursuant to 37 C.F.R. § 1.137(b), Applicants hereby petition to revive the above referenced application, which was unintentionally abandoned for failure to properly reply to a Notice Of Panel Decision From Pre-Appeal Brief Review mailed June 13, 2008. In compliance with 37 C.F.R. §1.137(c), Applicants concurrently file herewith an Appeal Brief, along with copy of the Notice of Appeal filed May 9, 2008 .

Applicants' undersigned representative hereby states that the failure to properly file a Notice of Appeal with the Pre-Appeal Brief Request For Review was unintentional.

On January 29, 2009, a PTO employee who gave her name as "Amy" left a voice message indicating that no action had been received and that the case would be abandoned. Applicants' undersigned representative spoke with the Examiner and indicated that we were awaiting the panel decision from the Pre-Appeal Brief Request for Review and the PTO representative reviewed the status of the case and indicated that she would "fix that one".

Out of an abundance of caution, the undersigned prepared and filed a Request For Status Of PreAppeal Request on February 4, 2009. Only recently did the undersigned

receive the Notice of Panel Decision from Pre-Appeal Brief Review mailed March 2, 2009, which indicated that the Request was improper for failure to file a Notice of Appeal; however, a Notice of Appeal was filed on May 9, 2008.

In view of the foregoing, Applicants believe that revival under §1.137(b) is appropriate. The Patent Office is hereby authorized to charge the petition fee under 37 C.F.R. § 1.17(m), as well as the associated extensions of time fees, to our Deposit Account No. 19-0733. If any additional required fees are or if an overpayment has been made the Commissioner is authorized to charge or credit Deposit Account No. 19-0733. Should there be any further questions, please feel free to contact the undersigned at the number below.

Respectfully submitted,
BANNER & WITCOFF, LTD.

By: /Elizabeth A. Almeter/
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Dated: May 1, 2009

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